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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,840	09/28/2000	Shoko Uchisako	1248-0518P-SP	8291

7590

08/04/2003

Birch Stewart Kolasch & Birch LLP
P O Box 747
Falls Church, VA 22040-0747

EXAMINER

NGUYEN, JUDY

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 08/04/2003

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Office Action Summary

Application No.

09/670,840

Applicant(s)

UCHISAKO ET AL.

Examiner

Judy Nguyen

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I – single side printing apparatus

Species II – double sides printing apparatus

If species I is elected, it is further restricted into sub-species as follow for the distinct holes of the nozzles:

Species (A) – Figure 4

Species (B) – Figures 14-16

Species (C) – Figures 17, 18

Species (D) – Figures 19, 20

Species (E) – Figures 21, 22

Species (F) – Figures 23, 24

Each of the immediate above sub-species is further restricted as follow for the distinct drying means (please note that the total sub-species here would be 12 because 6 sub-species above each sub divided into two other species):

Species (1) – Figure 5

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Species (2) – Figure 38

Each of the immediate above 12 sub-species is further restricted as follow for the distinct distant adjusting means (**please note that the total sub-species here would 36 because 12 sub-species above each sub divided into three other species**):

Species (i) – Figure 6

Species (ii) – Figure 11

Species (iii) – Figures 12, 13

Each of the immediate above 36 sub-species is further restricted as follow for the distinct ways of printing (**please note that the total sub-species here would 108 because 36 sub-species above each sub divided into three other species**):

Species (a) – Figures 7, 8

Species (b) – Figures 9, 10

Species (c) – Figures 25, 26

If species II is elected, it is further restricted into sub-species as follow for the distinct means for printing on both side of paper:

Species (A) – Figures 27-32

Species (B) – Figure 33

Species (C) – Figure 34

Species (D) – Figure 35

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Species (E) – Figure 36

Species (F) – Figure 37

Each of the immediate above sub-species is further restricted as follow for the distinct drying means (**please note that the total sub-species here would be 36 because 6 sub-species above each sub divided into 6 other species**):

Species (1) – Figure 4

Species (2) – Figures 14-16

Species (3) – Figures 17, 18

Species (4) – Figures 19, 20

Species (5) – Figures 21, 22

Species (6) – Figures 23, 24

Each of the immediate above sub-species is further restricted as follow for the distinct drying means (**please note that the total sub-species here would be 72 because 36 sub-species above each sub divided into 2 other species**):

Species (i) – Figure 39

Species (ii) – Figure 40

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.